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May 27, 2025

**VIA EMAIL ONLY**

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**Re: *SiteOne Landscape Supply, LLC v. Giordano, et al.***  
**Civil Action No. 2:23-cv-02084-GRB-SL**

Counsel:

On March 26, 2025, the Court ordered SiteOne to collect, search, and produce (1) emails from the SiteOne email accounts of certain individuals and (2) text messages from the cell phones of certain individuals. We write to share with you the details and results of SiteOne's efforts in these regards as of the date of this letter.

**Email Searching**

With respect to the email searching ordered by the Court, we have completed those searches consistent with the search terms and date ranges provided to us by Defendants. A hit count report for each of the search terms is enclosed with this letter.

In summary, the searches hit on approximately 98,000 documents. Of those approximately 98,000 documents, SiteOne is producing to Defendants contemporaneously with this letter a total of 47,020 of those documents. All of these documents are being designated as Attorneys' Eyes Only pursuant to our Protective Order given the highly sensitive and confidential nature of the materials. These materials were not reviewed by SiteOne for relevance or responsiveness and instead constitute all documents which hit on Defendants' search criteria provided in response to the Court's March 26, 2025 Order, subject to the two caveats below.

As we explained in our email of May 20, the remaining approximately 50,000 documents that we are not producing by or before May 27 consist of two categories of materials. The majority of these withheld materials—approximately 40,000 documents—hit on SiteOne's privilege screening criteria. Those materials are thus being withheld for further analysis. The remaining 10,000 or so documents consist of emails from the account of SiteOne's CEO, Doug Black. Given

the heightened level of sensitivity surrounding SiteOne's top officer's emails, we are reviewing those documents for relevance and responsiveness and will produce those to Defendants in a timely manner once that review is complete.

### **Text Messages**

With respect to the text messages, the Court ordered SiteOne to produce relevant text messages from 10 specifically identified individuals: (1) Doug Black; (2) Anthony Catalano; (3) Greg Thistle; (4) Kevin Peattie; (5) Jerry Justice; (6) Joe Ketter; (7) Brian Kersnowski; (8) Alex Trama; (9) Gerard Passaro; and (10) Phil Sausto. With the exception of Mr. Justice, each of these individuals received a written litigation hold and signed their acknowledgement of receipt of the hold notice in April 2023. Mr. Justice received his litigation hold notice on April 4, 2025.

SiteOne has completed its efforts to collect and process the data from these individuals' cell phones, detailed as follows:

1. Doug Black. Mr. Black currently has one cell phone, an iPhone, which he began using on or about January 25, 2024. All text messages from his iPhone were collected and are being reviewed for responsiveness. A total of 6,599 text messages were collected from Mr. Black's iPhone. Prior to approximately January 25, 2024, Mr. Black used an Android cell phone which he has, to date, been unable to locate. If that device is subsequently found, it will of course be collected and searched consistent with the Court's March 26 Order. Our current understanding is that because Mr. Black changed from an Android device to an iPhone, his text messages were not transferred from his prior device to his current iPhone. His text message data thus only dates back to January 25, 2025 to the present.
2. Anthony Catalano. Mr. Catalano currently uses one cell phone, an iPhone, which he began using on or about March 3, 2023. We also collected Mr. Catalano's prior iPhone, which he began using in or about January 2017. Mr. Catalano's text data therefore dates back to January 2017. These are the only two cell phones Mr. Catalano had during the relevant time period. The text message data from both devices has been collected and searched by SiteOne. A total of 132,483 text messages were collected from Mr. Catalano's two iPhones.
3. Greg Thistle. Mr. Thistle currently has one cell phone, an iPhone, which he began using in or about April 2021. Mr. Thistle's text data therefore dates back to approximately April 11, 2021. This is the only cell phone Mr. Thistle has had during the relevant time period. The text message data from this device has been collected and searched by SiteOne. A total of 118,907 text messages were collected from Mr. Thistle's iPhone.
4. Kevin Peattie. During the relevant time period, Mr. Peattie has had two cell phones. One is a SiteOne-issued iPhone. We currently do not have the date of issuance for that device.

However, on November 11, 2024, the SiteOne IT department performed a factory reset of Mr. Peattie's iPhone due to a problem Mr. Peattie was having with the two-factor authentication feature on the device. The text message data prior to that date was lost as a result of this factory reset. That being said, this device has been collected and the text message data from November 2024 to the present has been searched. 160 text messages were collected from Mr. Peattie's iPhone. Mr. Peattie also has a separate iPhone that is a personal device not issued by SiteOne. Mr. Peattie declined SiteOne's requests that he turn over this device to SiteOne for collection and searching on the basis that it is his personal device and he does not want his personal data and information searched and disclosed. Given Mr. Peattie's refusal to turn over this device, SiteOne has not able to collect or search data from this device.

5. Jerry Justice. Mr. Justice currently uses an iPhone which he acquired at the end of March 2025, and therefore it does not contain any unique relevant data that is not on his prior iPhone. We collected Mr. Justice's prior iPhone, which he began using in or about April 2022. However, Mr. Justice migrated his older text messages to this prior phone when he acquired it, and therefore his text data dates back to May 2015. Mr. Justice did not receive a litigation hold until April 2025, but his text messages remain intact for the entire relevant time period, and SiteOne has collected and searched all text message data that was present. A total of 111,155 text messages were collected from Mr. Justice's iPhone.
6. Joe Ketter. Mr. Ketter currently has one cell phone, an iPhone, which he began using in or about August 2022. Mr. Ketter's text data dates back to January 9, 2022. This is the only cell phone Mr. Ketter has had during the relevant time period. The text message data from this device has been collected and searched by SiteOne. A total of 20,174 text messages were collected from Mr. Ketter's iPhone.
7. Brian Kersnowski. Mr. Kersnowski currently has one cell phone, an iPhone, which he began using in or about September 2022. Mr. Kersnowski's text data therefore dates back to September 22, 2022. This is the only cell phone Mr. Kersnowski has had during the relevant time period. The text message data from this device has been collected and searched by SiteOne. A total of 35,041 text messages were collected from Mr. Kersnowski's iPhone.
8. Alex Trama. Mr. Trama currently has one cell phone, an iPhone, which is a personal device. Mr. Trama declined SiteOne's requests that he turn over this device to SiteOne for collection and searching on the basis that it is his personal device and he does not want his personal data and information searched and disclosed. Given Mr. Trama's refusal to turn over this device, SiteOne has not been able to collect or search any data from this device.
9. Gerard Passaro. During the relevant time period, Mr. Passaro has had two cell phones. One is a SiteOne-issued iPhone he has had since February or March of 2023. The text

message data on this device dates from July 18, 2023 to the present. This device has been collected and the text message data has been searched. A total of 16,557 text messages were collected and searched from this device. Mr. Passaro also has a separate iPhone that is a personal device not issued by SiteOne. Mr. Passaro declined SiteOne's requests that he turn over this device to SiteOne for collection and searching on the basis that it is his personal device and he does not want his personal data and information searched and disclosed. Given Mr. Passaro's refusal to turn over this device, SiteOne has not been able to collect or search any data from this device.

10. Phil Sausto. Mr. Sausto currently has one cell phone, an iPhone, which he began using in or about January 2024. Mr. Sausto's text data dates back to March 11, 2025.. Mr. Sausto's iPhone had a 30-day auto-delete feature for his text messages for some period of time, which is the apparent reason for the limited scope of his text message data. This is the only cell phone Mr. Sausto has had during the relevant time period. The available text message data from this device has been collected and searched by SiteOne. A total of 1,402 text messages were collected and searched from this device.

We assume that Defendants will have follow-up questions regarding the above, and we will be glad to meet and confer to address any questions or issues Defendants raise.

Thank you.

A handwritten signature in black ink, appearing to read "J. Evan Gibbs III".

J. Evan Gibbs III